

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE GAMBLING CONTROL BOARD

In the Matter of Gambling Control Board
Draft Rules

**CHIEF ADMINISTRATIVE LAW
JUDGE'S ORDER ON REVIEW OF
RULES UNDER MINN. STAT.
§ 14.16, SUBD. 2 AND MINN.
R. 1400.2300, SUBP. 8.**

The Minnesota Gambling Control Board sought review and approval of the above-entitled rules, which were adopted by the agency without a hearing. Review and approval is governed by Minn. Stat. § 14.26.

On January 29, 2014, the Office of Administrative Hearings received the documents that must be filed under Minn. Stat. § 14.26 and Minn. R. 1400.2310. By way of Order dated February 12, 2014, Administrative Law Judge Barbara J. Case determined that the proposed rules included defects. By way of Order dated February 19, 2014, the Chief Administrative Law Judge concurred in that conclusion.

On April 2, 2014, the agencies submitted revisions of the proposed rules for review. Based upon the submissions and rulemaking record,

IT IS HEREBY DETERMINED:

1. The agency has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with all procedural requirements of Minnesota Statutes, chapter 14, and Minnesota Rules, chapter 1400. The Board did not meet the timeline prescribed by Minn. Stat. § 14.101 of publication within 60 days of the granting of rulemaking authority. The Board also did not meet the resubmission timeline of 30 days required by Minn. Stat. § 14.26, subd. 2. The undersigned finds that these are harmless errors because they did not deprive any interested parties of an opportunity to participate in the rulemaking process and did not result in substantially different rules.
3. The following rules or parts found defective in the undersigned's Order of February 12, 2014 were corrected in the revisions submitted by the Board on April 2, 2014:

- a. Minn. R. 7861.0210, Subp. 44, Item B(15)
- b. Minn. R. 7861.0285, Subp. 3, Item E(2) and
- c. 7861.0290, Subp. 4, Item F(2)
- d. Minn. R. 7863.0270, Subp. 7
- e. Minn. R. 7863.0270, Subp. 9
- f. Minn. R. 7863.0270, Subps. 26 and 27
- g. Minn. R. 7863.0270, Subp. 29, Item C
- h. Minn. R. 7863.0270, Subp. 30
- i. Minn. R. 7863.0270, Subps. 36, Items (F) and (G)(3)
- j. Minn. R. 7864.0235, Subp. 6
- k. Minn. R. 7864.0235, Subp. 33, Item C

4. The Board made modifications to other rule parts pursuant to technical suggestions made by the Administrative Law Judge and pursuant to its own review. These modifications did not result in substantially different rules than the rules initially proposed.

IT IS HEREBY ORDERED THAT:

The above named rules, in the form published in the State Register on October 28, 2013, with the modifications indicated in Revisor's document AR4181, with the revisions dated January 23, 2014 and March 4, 2014, are approved as to legality.

Dated: April 9, 2014

s/Tammy L. Pust

TAMMY L. PUST
Administrative Law Judge